SUPREME COURT, U. S.

FILED

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JOHN F. DAVIS, CLERK

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1967

No. 1335

RONALD KENT HOOPER and
PURVIS OLE SCROGGS,

Petitioners,

vs.

THE HONORABLE WILLIAM H. GOODING,
Judge of the Superior Court of The
State of Arizona; and ROBERT K. CORBIN,
County Attorney of Maricopa County, Arizona,

Respondents.

CLOSING MEMORANDUM OF PETITIONERS ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF ARIZONA

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Respondents contend that the denial of a special writ sought from an appellate tribunal in the course of trial court proceedings cannot be a final judgment or decree within the meaning of 28 U.S.C. Sec. 1257.

Not so; *see Madruga v. Superior Court*, 346 U.S. 556, 557 n. 1, 74 S.Ct. 298, 98 L. Ed. 290 (1954) (suit in state trial

court; state supreme court denied prohibition; jurisdiction on certiorari expressly affirmed); *Pacific Coast Dairy v. Dept. of Agriculture,* 318 U.S. 285, 63 S.Ct. 628, 87 L.Ed. 761 (1943) (matter pending in state administrative agency; state supreme court denied mandamus; jurisdiction taken on certiorari); *New York ex rel. Bryant v. Zimmerman,* 278 U.S. 63, 49 S.Ct. 61, 73 L.Ed. 184 (1929) (state criminal proceedings; habeas corpus denied; jurisdiction taken on certiorari). *See generally* Stern & Gressman, *Supreme Court Practice* sec. 3-18 (3d ed. 1962).

Respectfully submitted,

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